IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

DAVID MICHAEL MONTGOMERY, * #412797, SID #2405284 *

*

Plaintiff,

*

* Civil Action No. ELH-15-3221

*

PATUXENT INSTITUTION,
WARDEN,
PSY DOCTORS,
CASE MANAGER,

*

Defendants. *

MEMORANDUM

On October 21, 2015, David Michael Montgomery filed suit, asking to be transferred from Patuxent Institution to Jessup Correctional Institution and to receive a different course of mental health treatment. He also filed two motions for leave to proceed in forma pauperis and a motion for appointment of counsel. (ECF 2, 3, 4). Montgomery states he has not felt paranoid or delusional for over one month and wants to return to the medication regimen prescribed for him before he was sent to Patuxent. He asserts that the Patuxent doctors never should have taken him off those medications. He complains that he if he does not take his medication at Patuxent, he is issued a "ticket" and cannot progress in his treatment program to earn privileges, such as access to a radio or television.

On July 1, 2015, I assigned Montgomery his third "strike" under 28 U.S.C. § 1915(g), in the case titled *Montgomery v. Animation Adventer's Computer Game Internet Ower [sic]*, All

Viewers, Civil Action No. ELH-15-1772 (D. Md.). Montgomery was notified that, pursuant to 28 U.S.C. §1915(g), he was barred from filing new cases unless he first submitted the full civil filing fee or showed imminent danger of serious physical injury.

In this case, Montgomery expresses his desire for a transfer and his disagreement with his current course of mental health treatment. He does not claim he has suffered any physical harm as a result of the matters alleged. As his complaint does not suggest that he is in imminent danger of physical injury and he has not submitted the full filing fee, it will be dismissed pursuant to 28 U.S.C. § 1915(g) by separate Order. The motions to proceed in forma pauperis and for appointment of counsel will be denied.

I note that on October 22, 2015, I ordered counsel in the Office of the Attorney General to file an expedited response to Montgomery's correspondence of October 5, 2015 and October 13, 2015, in which he raised concerns about his physical safety and medical and mental health care. *See Montgomery v. Warden*, ELH-15-3005 (D. Md.). In his October 5, 2015, letter, Montgomery also complained about the medical and mental health care he is receiving at Patuxent Institution, including the medication he is prescribed. In the correspondence he filed on October 13, 2015, he claimed he was assaulted by an officer and his life was in danger and asked to be moved from the Patuxent Institution. That case is sufficient to ensure court review of Montgomery's conditions at Patuxent Institution.

¹ See Montgomery v. Bonsale, Civil Action No. ELH-14-3885 (D. Md. 2014) (assigning the first "strike" under 28 U.S.C. §1915(g); Montgomery v. Warden, Civil Action No. ELH-15-1533 (assigning the second "strike" under 28 U.S.C. § 1915(g)).

	For the a	above	stated	reasons,	a	separate	Order	shall	be	entered	dismissing	the	instant
case.													
Novem	nber 4, 201	15								_/s/			
Date							Elle	n L. H	lolla	ander			
							Unit	ed Sta	ates	District	Judge		